

# Additional Case Studies and Skills Practice for the Assessment of Copyright for Serials and Journals

## Resource Documentation

- [Determining copyright status of serial issues](#)
- [Graphical flowchart for determining the copyright status of serial issues](#)

## Disclaimer

**WikiSalon Facilitators are not copyright lawyers. We cannot provide legal advice.**

## Case Study - Ebony Magazine - Ella Tyree

### Wikipedia and Commons Information

1. Wikipedia: [https://en.wikipedia.org/wiki/Ella\\_Tyree](https://en.wikipedia.org/wiki/Ella_Tyree)
2. Commons: [Ella Tyree](#)
  - a. Source: "Atom Scientists: Ten Negro Scientists at Argonne Lab Help in Race to Harness Atomic Materials", Ebony magazine, September 1949, pp. 26-28.
    - i. Cover:  
<https://digitalcollections.nypl.org/items/8bb13aa0-813c-0135-85b3-69e77fc1d0f0>
    - ii. Magazine:  
[https://archive.org/details/sim\\_ebony\\_1949-09\\_4\\_11/page/12/mode/2up](https://archive.org/details/sim_ebony_1949-09_4_11/page/12/mode/2up)
  - b. Rationale: Public Domain - Copyright Not Renewed

### Workflow

Decision Tree: [Determining Copyright Status of Serial Issues](#)

1. Section 1: Country and Publication
  - a. Question 1: Is this a US Publication? → YES [Chicago, Illinois]
    - i. See Masthead, p. 13:  
[https://archive.org/details/sim\\_ebony\\_1949-09\\_4\\_11/page/12/mode/2up](https://archive.org/details/sim_ebony_1949-09_4_11/page/12/mode/2up)
2. Section 2: Old and New Publications
  - a. Question 2a: Was the serial issue of interest published before 1926? → NO [1949]

- b. Question 2b: Was the serial issue of interest published in or after March 1989? → NO [1949]
- 3. Section 3: Publications Registered as Books
  - a. Question 3a: Is the serial an annual? → NO [Monthly]
    - i. Masthead:
      - [https://archive.org/details/sim\\_ebony\\_1949-09\\_4\\_11/page/12/mode/2up](https://archive.org/details/sim_ebony_1949-09_4_11/page/12/mode/2up)
    - ii. Worldcat Record:
      - [https://www.worldcat.org/title/ebony/oclc/671775046&referer=brief\\_results](https://www.worldcat.org/title/ebony/oclc/671775046&referer=brief_results)
    - iii. **SOME RENEWALS found in CCE or Registered Works Database -**  
(after 1950)
      - 1. <https://onlinebooks.library.upenn.edu/webbin/cinfo/ebony>
  - b. Question 3b: Are issue dates unclear? → NO [Monthly, labeled on Masthead]
    - i. Masthead:
      - [https://archive.org/details/sim\\_ebony\\_1949-09\\_4\\_11/page/12/mode/2up](https://archive.org/details/sim_ebony_1949-09_4_11/page/12/mode/2up)
  - c. Question 3c: Do issues have distinct titles of similar or greater prominence than the serial title? → NO [Whole run uses standard titles, per views on Internet Archive & elsewhere]
  - d. Question 3d: Are issues irregularly published? (Or, is the serial not a periodical?) → NO [Monthly for years]
  - e. Question 3e: Is the serial a law reporter, or a collection of laws, regulations, or court case documents? → NO [No law content.]
- 4. Section 4: Publications with music, maps, or drama
  - a. Question 4a: Does the serial include sheet music, chords for songs, and/or song lyrics? → NO [None present in the issue.]
  - b. Question 4b: Does the serial include scripts of plays, movies, or radio or TV programs, or transcripts of speeches or oral presentations? → NO [None present in the issue]
  - c. Question 4c: Does the serial include maps? → NO [None shown on cursory review.]
- 5. Section 5: Syndicated content in newspapers
  - a. Question 5: Is the serial a newspaper that includes nationally syndicated comics or features? → NO [No evidence of comics or other syndicated columns in this magazine upon cursory review.]
- 6. Section 6: Reprints
  - a. Question 6: Does the serial reprint or condense material originating elsewhere? → NO [No indication of reprints of textual material or condensed material upon cursory review.]
- 7. Section 7: Photographs and artwork

- a. Question 7: Does the serial include images (photographs or artwork) with their own credits or copyright notices? → NO
    - i. **[Ebony pictures with name credit. Masthead p.13. This is not a copyright claim.]**
      - 1. [https://archive.org/details/sim\\_ebony\\_1949-09\\_4\\_11/page/12/mod/e/2up](https://archive.org/details/sim_ebony_1949-09_4_11/page/12/mod/e/2up)
8. Section 8: First renewal
- a. Question 8: What is the earliest issue or contribution renewal mentioned for the serial, if any, in the [first renewals inventory](#)?
    - i. February 1950 (v. 5 no. 4)
      - 1. <https://onlinebooks.library.upenn.edu/webbin/cinfo/ebony>
    - ii. **If no first issue or contribution renewal is mentioned for this serial, and the issue of interest was published prior to 1950, then there was no issue or contribution renewal filed for that issue. Go on to [section 11](#).**
9. Section 9: Renewals for the issue of interest <SKIP>
10. Section 10: Copyright notice and registration <SKIP>
11. Section 11: Researcher notes
- a. Question 11: Do you know of any research that indicates that the issue of interest would be under copyright despite appearances otherwise? → NO → STOP

**OUTCOME = PUBLIC DOMAIN (ISSUE)**

**Use this Commons tag on upload (Other reason not mentioned):** {{PD-US-not renewed}}

**Skills Practice (Test for Yourself):**

Are these images (or text) in copyright or in the public domain?

1. "La Belle Assemblée, or Bell's Court and Fashionable Magazine Addressed Particularly to the Ladies" series, no. 6, 1 May 1810
  - a. Journal: *La Belle Assemblée*
  - b. Date: 1 May 1810
  - c. Source: <https://www.ngv.vic.gov.au/explore/collection/work/28787/>
  - d. Answer: \_\_\_\_\_
  
2. "Opera Coat" by Marilyn Pappas (Florida), framed wall hanging of fabric collage and stitchery
  - a. Journal: *Craft Horizons*
  - b. Date: November/December 1969

- c. Source:  
<https://digital.craftcouncil.org/digital/collection/p15785coll2/id/7510/rec/145>
  - d. Answer: \_\_\_\_\_
3. Photo of Winifred Mason
    - a. Journal: "The American Negro in College, 1935-1936", August 1936, *The Crisis* (the official magazine for the NAACP), page 236.
    - b. Date: 1936
    - c. Source:  
<https://books.google.com/books?id=41cEAAAAMBAJ&pg=PA236#v=onepage&q&f=false>
    - d. Answer: \_\_\_\_\_
  4. *Tales From the Crypt*
    - a. Journal: *Tales from the Crypt*
    - b. Date: #24, June/July, 1951
    - c. Link: [https://en.wikipedia.org/wiki/Tales\\_from\\_the\\_Crypt\\_\(comics\)](https://en.wikipedia.org/wiki/Tales_from_the_Crypt_(comics))
    - d. Answer: \_\_\_\_\_
  5. *Weird Tales* Cover, July 26
    - a. [https://en.wikisource.org/wiki/Weird\\_Tales/1926#/media/File:Weird\\_Tales\\_July\\_1926.jpg](https://en.wikisource.org/wiki/Weird_Tales/1926#/media/File:Weird_Tales_July_1926.jpg)
    - b. Journal: *Weird Tales*
    - c. Date: July 1926
    - d. Answer: \_\_\_\_\_
  6. Dear Ann Landers, February 11, 1968, Page 42
    - a. <https://cdnc.ucr.edu/?a=d&d=SBS19680211&e=-----en--20--1--txt-txIN-----1>
    - b. Serial: *The San Bernardino Sun*
    - c. Date: 11 February 1968
    - d. Answer: \_\_\_\_\_

## For More Information:

### Copyright Resources

- [University of Pennsylvania Libraries Deep Backfile Project](#)
  - Decision Tree: [Determining Copyright Status of Serial Issues](#)
  - Additional Documentation: [Doing Serials Copyright Research](#)
- [Copyright Term and the Public Domain in the United States](#) (Cornell University Library)
- [Finding the Public Domain – Copyright Review Management System Toolkit](#) (University of Michigan)
- [PA Digital Rights Statement Selection Tool](#)

### Demonstrations

- [Philadelphia WikiSalon Demonstration Archive](#)

- [Adding a Public Domain Image to Wikimedia Commons](#)
- [Adding Your Own Photo to Wikimedia Commons](#)

The Philadelphia WikiSalon Online

For more information and discussion about copyright or anything about Wikipedia and Wikimedia projects, please join us at the WikiSalon!

<https://en.wikipedia.org/wiki/Wikipedia:Meetup/Philadelphia>

## Answer Key:

1. "La Belle Assemblée, or Bell's Court and Fashionable Magazine Addressed Particularly to the Ladies" series, no. 6, 1 May 1810
  - a. Journal: *La Belle Assemblée*
  - b. Date: 1 May 1810
  - c. Source: <https://www.ngv.vic.gov.au/explore/collection/work/28787/>
  - d. Answer = Public Domain
  - e. Reason = Publication date is pre-1926. (Section #2)
  - f. Commons link:  
[https://commons.wikimedia.org/wiki/File:Morning\\_walking\\_dress,\\_La\\_Belle\\_Asse\\_mbl%C3%A9e,\\_1810.jpg](https://commons.wikimedia.org/wiki/File:Morning_walking_dress,_La_Belle_Asse_mbl%C3%A9e,_1810.jpg)
  
2. "Opera Coat" by Marilyn Pappas (Florida), framed wall hanging of fabric collage and stitchery
  - a. Journal: *Craft Horizons*
  - b. Date: November/December 1969
  - c. Source:  
<https://digital.craftcouncil.org/digital/collection/p15785coll2/id/7510/rec/145>
  - d. Answer = In Copyright (Section 9a automatically renews the copyright. Section 10 then checks if there is a copyright mark on the issue, even though one is not expressly needed.)
  - e. Reason = Explicit copyright renewal not required and copyright was automatically renewed.
  
3. Photograph of Winifred Mason
  - a. Journal: "The American Negro in College, 1935-1936", August 1936, *The Crisis* (the official magazine for the NAACP), page 236.
  - b. Date: 1936
  - c. Source:  
<https://books.google.com/books?id=41cEAAAAMBAJ&pg=PA236#v=onepage&q&f=false>
  - d. Answer = Public Domain - copyright not renewed (Section 8)
  - e. Commons link:  
[https://commons.wikimedia.org/wiki/File:Winifred\\_Mason\\_1936\\_August\\_The\\_Crisis.png](https://commons.wikimedia.org/wiki/File:Winifred_Mason_1936_August_The_Crisis.png)
  
4. Tales From the Crypt
  - a. Journal: *Tales from the Crypt*
  - b. Date: #24, June/July, 1951
  - c. Link: [https://en.wikipedia.org/wiki/Tales\\_from\\_the\\_Crypt\\_\(comics\)](https://en.wikipedia.org/wiki/Tales_from_the_Crypt_(comics))
  - d. Answer: In Copyright - copyright renewal (Section 8)
    - i. NB - the image used in Wikimedia Commons is done under fair use, which is highly restricted on Commons

5. *Weird Tales* Cover, July 26
  - a. [https://en.wikisource.org/wiki/Weird\\_Tales/1926#/media/File:Weird\\_Tales\\_July\\_1926.jpg](https://en.wikisource.org/wiki/Weird_Tales/1926#/media/File:Weird_Tales_July_1926.jpg)
  - b. Journal: *Weird Tales*
  - c. Date: July 1926
  - d. Answer: Public Domain - Copyright not renewed (Section 8)
    - i. NB - Other issues and other contributions to this journal are sometimes in copyright, including ones from 1926. Note the first renewals page:
      1. <https://onlinebooks.library.upenn.edu/webbin/cinfo/weirdtales>
  - e. Commons link:  
[https://commons.wikimedia.org/wiki/File:Weird\\_Tales\\_July\\_1926.jpg](https://commons.wikimedia.org/wiki/File:Weird_Tales_July_1926.jpg)
  
6. Dear Ann Landers, February 11, 1968 (Page 42)
  - a. <https://cdnc.ucr.edu/?a=d&d=SBS19680211&e=-----en--20--1--txt-txIN-----1>
  - b. Serial: *The San Bernardino Sun*
  - c. Date: 11 February 1968
  - d. Answer: In Copyright
    - i. The *San Bernardino Sun* issue is in the public domain, due to non-renewal of copyright. (Section 10)
      1. <https://onlinebooks.library.upenn.edu/webbin/cinfo/suncasanbernardino>
      2. However, the Superman comic did have a renewal, and as such any Superman comic is in copyright. (not found on p. 27)
    - ii. However, Ann Landers column was syndicated from about 1951, and as such the text and photo are In Copyright. (Section 5)
      1. [https://en.wikipedia.org/wiki/Ask\\_Ann\\_Landers](https://en.wikipedia.org/wiki/Ask_Ann_Landers)